

## The Law Offices of Effie Soter, P.C.

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April 11, 2019

### **VIA ECF**

Honorable Judge Ona T. Wang  
United States District Court Judge  
Southern District of New York  
500 Pearl Street, Room 1030  
New York, New York 10007-1312

**Re: Gym Door Repairs, Inc. v. Young Equipment Sales, Inc., et. al.**  
**Docket No.: 15-cv-04244 (JGK)(OTW)**

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Your Honor:

This law firm represents Defendant Total Gym Repairs, Inc. (“Total Gym”) and Second Third-Party Plaintiff Ramotar in the above referenced matter.

As ordered by the Court (ECF 742), this is a joint status letter on behalf of Defendants, Counterclaim Plaintiffs, and Second Third-Party Plaintiffs Total Gym and Second Third-Party Plaintiff Ramotar (jointly referred to as “Total Gym Parties”) and Plaintiffs and Counterclaim Defendants Gym Door Repairs, Inc. and Safe Path Systems, LLC and Second Third-Party Defendants Katherine Cole and Stephen Cole (hereafter jointly the “Gym Door Parties”).

**1. Procedural Posture of the Case:** The Court, in its Order and Opinion of September 19, 2018 (ECF 685) granted Total Gym’s motion for summary judgment as to Plaintiffs’ causes of actions for trademark infringement and unfair competition and tortious interference with prospective business relationships.<sup>1</sup> That Order and Opinion dismissed the Plaintiffs’ remaining causes of action against Total Gym.

By the granting Total Gym’s motion for summary judgment, the only causes of action that are remaining pertaining to the Total Gym Parties were the Total Gym Parties’ Counterclaims and Second Third-Party Complaint against the Gym Door Parties for: abuse of process, malicious prosecution, tortious interference with business relationships, tortious interference with prospective business relationships, and defamation.

No additional procedural issues need to be resolved. The parties have not consented to having this motion decided by a Magistrate Judge.

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<sup>1</sup> Plaintiffs’ causes of action for patent infringement, copyright infringement, and civil conspiracy against Total Gym were dismissed in Hon. Judge Koeltl’s September 15, 2016 Amended Opinion and Order. (ECF 224)

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2. **Proposed Briefing Schedule:** The Total Gym and the Gym Door Parties propose the following briefing schedule:

The Total Gym Parties shall make their joint motion to amend their counterclaims and third-party complaint with respect to the count for abuse of process and for sanctions seeking the award of attorneys' fees. The joint motion will be filed by May 2, 2019.

The Gym Door Parties shall have two weeks from the filing of Total Gym's motion or until May 16, 2019 to file their opposition to the Total Gym motion and any counter-motion for attorneys' fees.

Total Gym shall have two weeks from the date the Gym Door Parties file their opposition papers to submit reply papers.

The Gym Door Parties shall have one week to submit a reply on any counter-motion.

We thank the Court for its time and consideration of this application.

Respectfully submitted,

*Dimitrios Kourouklis*

Dimitrios Kourouklis, Ph.D.

cc: all counsel of record (via ECF)